

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES - GENERAL

Case No. SACV 09-0082 DOC (ANx)

Date: September 23, 2009

Title: CAPTAIN PAMELA BARNETT, ET AL. V. BARACK H. OBAMA, ET AL.

DOCKET ENTRY

[I hereby certify that this document was served by first class mail or Government messenger service, postage prepaid, to all counsel (or parties) at their respective most recent address of record in this action on this date.]

Date: _____ Deputy Clerk: _____

PRESENT: THE HONORABLE DAVID O. CARTER, JUDGE

Kristee Hopkins

Courtroom Clerk

Not Present

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS: ATTORNEYS PRESENT FOR DEFENDANTS:

NONE PRESENT

NONE PRESENT

**PROCEEDING (IN CHAMBERS): DENYING REQUEST TO FILE SECOND AMENDED
COMPLAINT WITHOUT LEAVE OF COURT**

The Court is in receipt of Plaintiffs' counsel Dr. Orly Taitz's ("Taitz") Preliminary Response to Defendants' 9-4-09 Motion to Dismiss ("Opposition"). The caption of the Opposition indicates that the Opposition is being filed "with reservation of rights to Respond further by filing Plaintiffs' Second Amended Complaint on or before Friday October 2, 2009."

Pursuant to Federal Rule of Civil Procedure 15(a), a party may only amend its pleading once as a matter of course. FED. R. CIV. P. 15(a)(1). After that party has amended its pleading once, the party may only further amend its pleading with the opposing party's written consent or the court's leave. FED. R. CIV. P. 15(a)(2). Plaintiffs have already filed a First Amended Complaint in this action, so unless they have obtained written consent from Defendants, Plaintiffs must file a regularly noticed motion asking for leave of court to file a Second Amended Complaint. As the hearing on Defendants' Motion to Dismiss is set for October 5, 2009, Plaintiffs' request to file a Second Amended Complaint, even if filed today, will not be ready for hearing by October 5 and will therefore not affect that hearing.

The Clerk shall serve this minute order on all parties to the action.